

The Internet must remain open for innovation

By Rep. John Conyers (D-Mich.)

Over the past decade, the Internet has revolutionized the way the world works, including the way we think and the way we shop, learn and communicate. It has created a global marketplace in which a single person running a business from home can access millions of potential customers equally as well as a multinational corporation.

This information superhighway allows us to access unprecedented amounts of information and opinions and has become a safe harbor for First Amendment rights in which everyone can discuss whatever is important to them.

However, because we have only begun to see the potential of this incredible resource, it is crucial that we protect the Internet and ensure that it remains the platform for innovation that it is today. I believe the way to do that is through network-neutrality legislation.

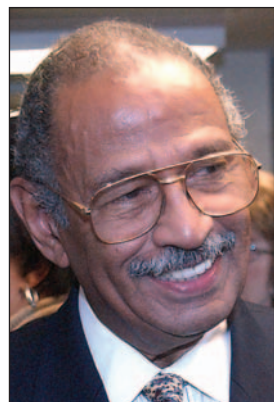
The Internet's substantial economic success, social impact and flurry of innovation is not an accident but rather a direct result of the fact that it is open to everyone and everything. The Internet was designed without gatekeepers of new content or services and without centralized control. Network neutrality, or "net neutrality," is the term that refers to this fundamental architecture of the Internet.

Currently, broadband network providers exercise market power over the network. This means in most cases that consumers have one, maybe two, choices of their providers.

The distribution of market power affords these companies significant control over the Internet, and some companies have recently made it clear that they intend to use this power to decide what content, applications and services will be able to travel over the Internet. One such plan involves the creation of fast and slow lanes that will determine each consumer's Internet experience, depending on which companies choose

to pay for the fast lane. I fear that this will quickly lead to a world where those who pay can play and those who don't are simply out of luck.

Furthermore, the companies can block or impair access in other ways, such as refusing to allow the attachment of devices to the



Conyers

network, delaying traffic from other content providers, degrading quality of service, sending content from other providers through smaller bandwidth or limiting the capacity of interconnection points. Unchecked, this power could mark the certain demise of the Internet as we know it and will allow the gatekeepers to decide whom we can talk to, what information we can access and what business we can do online.

Strong, narrowly tailored legislation can stop this process and ensure that the Internet remains neutral and that websites are not discriminated against because of their failure to pay the price. At a minimum, we must require broadband service providers to operate their networks in a reasonable and nondiscriminatory manner so that all content, applications and services are treated the same and have an equal opportunity



GETTY IMAGES

The Internet allows a single person to reach millions from a home-based business.

to reach consumers. We must also require that the companies interconnect with the facilities of other network providers on a reasonable and nondiscriminatory basis.

Opponents of net neutrality argue that these conflicts will work themselves out through competition and that the legislation will impair the broadband network providers' ability to manage the networks for efficiency. Unfortunately, this is simply not the case. While self-regulation of an industry is the preferred approach in principle, this market is far from competitive. It would be a mistake to entrust the preservation of the Internet to a handful of companies that have no real incentive to preserve it and every financial incentive to destroy it.

The Judiciary Committee recently passed narrowly tailored legislation that protects the Internet while preserving the companies' ability to manage their networks effectively. The Internet Freedom and Nondiscrimination Act amends the Clayton Act to require that broadband service providers interconnect with the facilities of other network providers on a reasonable and nondiscriminatory basis. It also requires them to operate their network in a reasonable and nondiscriminatory manner so that all content, applications and services are treated the same and have an equal opportunity to reach consumers.

The bill expressly preserves the ability of broadband service providers to manage their network, so long as it is done in a

nondiscriminatory manner, and the bill allows the operators to give priority to emergency communications and take reasonable and nondiscriminatory measures to prevent violations of the law.

The need for strong, narrowly tailored legislation to ensure network neutrality is widely supported. Time is of the essence. We cannot stand by and let the cable and phone companies re-create the Internet to suit their needs. The possibilities of a future that the Internet can and will bring are infinite and exciting, but we must act now to ensure that the endless possibilities remain just that — possible.

Conyers is the ranking member of the House Committee on the Judiciary.